

REMARKS

Applicant has carefully reviewed the Office Action dated April 3, 2006. Applicant has amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

The Examiner has made numerous responses to Applicant's arguments provided in the last Office Action. In general, it appears that one item that requires clarification is that of the control signal is released during the broadcast. This exists at Claim 1, line 8-9. However, also, this control signal is released following the provision of the visual cue signal. This visual cue signal is clarified as being for the purpose of attracting the attention of the consumer. Applicant believes that this clears up some of the aspects and in paragraph 2 of the Examiner's responses. However, the language "upon the appearance" supports this limitations and, thus, this added limitation is not a new limitation.

Some more specific comments are with respect to paragraph 3, wherein the Examiner has commented on Applicant's remarks with respect to the control signals being able to control local codes. Applicant's arguments with respect to *Stern* were with respect to the fact that the scripts do not "control" the operation in the manner that is defined in the Claims. In paragraph 5, the Examiner has interpreted the limitations of the visual cue being indicative of a relationship to a "location" as meaning that the visual cues are matched to items surrounding the kiosk. Applicant disagrees with this in that the prior arguments clearly stated that the visual cue must be associated with the location. In paragraph 7, the Examiner indicated that the use of the control signal to control access was not recited in the rejected claims. However, Applicant believes that this is the case with respect to Claim 1, lines 11-12. With respect to paragraph 8, the Examiner has indicated that the features upon which Applicant relies, i.e., "being released during the broadcast" are not recited in the rejected claims. Applicant believes that this is recited in lines 8-9 of Claim 1. In the response in paragraph 9, the Examiner indicates that *Stern* clearly teaches a broadcast of multimedia and control signals such as scripts to the servers. However, as Applicant noted herein above, it is Applicant's position that these do not control access to a location, as required by the claim.

The Claims 1-7, 16-18 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Stern et al.* This rejection is respectfully traversed with respect to the claims as presently presented.

Applicant has amended the claims to clarify that the control signal is released “after” the visual cue, a limitation that already exists. The claims already set forth that this control signal is released “during the presentation of the broadcast.” Also, it is clear that the broadcast is one that is sent over a broadcast network and made available to a plurality of consumers. As such, Applicant believes that these clarifications to the claims distinguish over the *Stern* reference, although Applicant believes that these are merely for clarification purposes. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection with respect to Claims 1-7, 16-18 and 20.

Claims 8 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* as applied to Claims 1 and 7 and further in view of *Portuesi*. This rejection is respectfully traversed with respect to the currently presented claims.

Claims 8 and 10 are dependent claims and, therefore, for the reasons described above it is not believed that *Portuesi* cures the deficiencies noted herein above with respect thereto. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 8 and 10.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* as applied to Claim 1 and also in view of *Itoh*. This rejection is respectfully traversed with respect to the amended claims.

The inclusion of *Itoh* does not cure the deficiencies noted herein above with respect to Claim 1, from which Claim 15 depends. Therefore, Applicant believes that Claim 15, as currently presented is allowable and, therefore, respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect thereto.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* as applied to Claim 1 and further in view of *Ludwig*. This rejection is respectfully traversed with respect to the amended claims.

Claim 19 is dependent upon Claim 1 and *Ludwig* is not believed to overcome the deficiencies noted herein above with *Stern*. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claim 19.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,509 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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